

EXHIBIT 1
Part 2 of 2

1 INMATE ROMERO THROUGH INTERPRETER: All the
2 alcohol programs. I am -- I want to attend any type of
3 program that will help me.

4 DEPUTY COMMISSIONER HERRON: Is it necessary that
5 you have a sponsor?

6 INMATE ROMERO THROUGH INTERPRETER: Well, here we
7 always have one.

8 DEPUTY COMMISSIONER HERRON: And if you were
9 released to Mexico, is there such thing as NA/AA?

10 INMATE ROMERO THROUGH INTERPRETER: Yes, they do
11 have it. In fact, if you read my files, you will see
12 some letters that are there. They came from Mexico. I
13 talked to me about AA.

14 DEPUTY COMMISSIONER HERRON: And I see that the
15 closest AA to you is about 15 miles away which is not
16 far.

17 INMATE ROMERO THROUGH INTERPRETER: That's not
18 too far.

19 DEPUTY COMMISSIONER HERRON: And do you have
20 transportation?

21 INMATE ROMERO THROUGH INTERPRETER: Yeah, they
22 have buses. Bus transportation.

23 DEPUTY COMMISSIONER HERRON: So why would you
24 need a sponsor?

25 INMATE ROMERO THROUGH INTERPRETER: I think it's

1 good and it's best for a person like me to have someone
2 that can talk to me and counsel me about that. Someone
3 that can help me so I won't fall back into the same
4 things that I was doing before.

5 DEPUTY COMMISSIONER HERRON: So when would you
6 call the sponsor?

7 INMATE ROMERO THROUGH INTERPRETER: I would do it
8 any time I needed help so they could help me.

9 DEPUTY COMMISSIONER HERRON: Before someone
10 relapses, before they take the drink, there is something
11 that goes on before then. Before they take the drink.
12 The drink is the last thing one does to complete the
13 relapse. So if I were your sponsor, what things should
14 I look for in you to tell me that you are about to
15 relapse and take that drink?

16 INMATE ROMERO THROUGH INTERPRETER: It would
17 probably be according to the way I was conducting
18 myself, my conduct. You would see me doing things that
19 I shouldn't be doing to stay on the right track.

20 DEPUTY COMMISSIONER HERRON: Like give me an
21 example.

22 INMATE ROMERO THROUGH INTERPRETER: If you saw me
23 getting together with friends who like to drink. That
24 would be one form of attention that you could see that I
25 was starting to go on the wrong track, the wrong path.

1 DEPUTY COMMISSIONER HERRON: Okay. Very good.
2 Now you continue in AA/NA through today?

3 INMATE ROMERO THROUGH INTERPRETER: Yes.

4 DEPUTY COMMISSIONER HERRON: And you've been
5 doing it since 1988?

6 INMATE ROMERO THROUGH INTERPRETER: Yes.

7 DEPUTY COMMISSIONER HERRON: I just wanted to get
8 that in for the record. There are many, many chronos in
9 his C-File that indicate that he has been. And I'm not
10 going to go through each and every chrono because it
11 covers each and every quarter between 1988 and now.

12 PRESIDING COMMISSIONER ENG: Excuse me one
13 second. Can I just ask him something about that?

14 DEPUTY COMMISSIONER HERRON: Yes..

15 PRESIDING COMMISSIONER ENG: Sir, I saw here
16 though that what happened between basically the year
17 2000 up through 2006? In 2006, it looks like you picked
18 it back up again. But in the year 2000, I see there's
19 only one time that you went and then nothing in '01,
20 then in '02 you went twice, and '03, once. Nothing in
21 '04 and '05; is that true?

22 INMATE ROMERO THROUGH INTERPRETER: There was a
23 time when I was in a different type of class. A
24 different program. When I first came in they said I
25 could take some classes that were college oriented.

1 DEPUTY COMMISSIONER HERRON: Yes, I do have that.

2 PRESIDING COMMISSIONER ENG: But the AA, because,
3 you know, I looked a little closer because there's a
4 whole lot of dates in here. But then I saw that it
5 looks more like it was sporadic. This is in the Board
6 report.

7 DEPUTY COMMISSIONER HERRON: I saw that.

8 PRESIDING COMMISSIONER ENG: So if you, in fact,
9 have a severe alcohol history, okay, then why is your
10 attendance in AA that sporadic over the last five or so
11 years?

12 INMATE ROMERO THROUGH INTERPRETER: I think I was
13 still attending, but I was having, taking other classes
14 and they conflict and I wasn't able to attend then. And
15 I was trying to better myself and they were urging me to
16 take classes so I could better myself.

17 DEPUTY COMMISSIONER HERRON: Is it more important
18 to make sure you always take the NA/AA class and have
19 everything else work around that center?

20 INMATE ROMERO THROUGH INTERPRETER: I think it is
21 more important to keep your AA, but there were times
22 when I had to do other things.

23 DEPUTY COMMISSIONER HERRON: I understand. Do
24 you also understand that if you cannot take care of
25 yourself, you cannot take care of anybody else and AA/NA

1 is one way to assure that you take care of yourself
2 first. Then that enables you to go out and do other
3 things.

4 INMATE ROMERO THROUGH INTERPRETER: Yes, it's
5 true. Well, I will take more responsibility of that in
6 the future.

7 PRESIDING COMMISSIONER ENG: I have another
8 question I'm going to ask about the AA.

9 DEPUTY COMMISSIONER HERRON: Sure, go right
10 ahead.

11 PRESIDING COMMISSIONER ENG: Tell me when AA
12 started back in your hometown?

13 INMATE ROMERO THROUGH INTERPRETER: Honestly, I
14 don't know when it started.

15 PRESIDING COMMISSIONER ENG: Was that recent?

16 INMATE ROMERO THROUGH INTERPRETER: When I was
17 informed here that I should have some type of
18 documentation or letters from my country, I contacted my
19 father. He did research and then he found some
20 locations.

21 PRESIDING COMMISSIONER ENG: So you're not really
22 sure if there's the same type of program that you're
23 used to here in prison, if that really exists back in
24 your home town in Mexico; is that true?

25 INMATE ROMERO THROUGH INTERPRETER: I'm not sure

1 what it is over there compared to what we have here.
2 But my understanding is Alcoholics Anonymous is the same
3 no matter where you go. It's the same process.

4 **PRESIDING COMMISSIONER ENG:** Well, the only
5 reason I ask that is because I have also seen other
6 inmates, life inmates that are from Mexico where they
7 were hoping the bring the program back to Mexico because
8 it didn't exist. So that's the reason why I asked you
9 this. How long has your program been in existence in
10 Pueblo.

11 **ATTORNEY CHRISTENSEN:** It really depends upon the
12 size of the town, too. In fact, I've seen actual
13 booklets from Mexico explaining --

14 **PRESIDING COMMISSIONER ENG:** I'm not asking you,
15 Counsel, I'm asking your client because it's his life
16 It's his responsibility. It's your problem, okay? But
17 thank you. Okay, Commissioner Herron, go ahead.

18 **DEPUTY COMMISSIONER HERRON:** Okay. So like I
19 said, I'm not going to go through everything. We're
20 just going back to his last hearing. But I'd like to
21 put on the record that he has completed self-help
22 activities such as theology and the Center for
23 Spirituality, and academic programs, the San Quentin
24 College Program.

25 He's taken Spanish III, Astronomy, History,

1 numerous certificates that Ms. Christensen if you would
2 stipulate to this. There's like three pages of
3 Certificates of Achievement.

4 **ATTORNEY CHRISTENSEN:** Yes, I will stipulate.

5 **DEPUTY COMMISSIONER HERRON:** Okay. Now I will
6 look at your last psychological report evaluation. And
7 the one that I have is dated for your last hearing. And
8 so I will briefly go through it. Page three, assessment
9 of dangerousness, risk for violence cannot be predicted
10 with any certainty. Statistics and research in the area
11 of risk analysis have identified factors that make a
12 particular individual more likely to commit future acts
13 of violence than the average member of the non prison
14 population.

15 Within the controlled setting, you are at minimal
16 risk when compared to the general population. If you
17 were released to the outside community, you have
18 statistically based static factors for increased
19 violence potential when compared to the average member
20 of the general population. Those factors are number one
21 that you're a man. Number two, you've committed
22 violence before. It says her that you're single, but
23 you're married; right?

24 **INMATE ROMERO THROUGH INTERPRETER:** I'm divorced
25 now.

1 DEPUTY COMMISSIONER HERRON: So you're single.
2 And you have a history of alcohol abuse. Factors that
3 are likely to lower your risk for violence still stand.
4 No history of childhood sociopathy, increased education,
5 violence risk drops after age 40. He has no motivation
6 for violence and does not endorse any violent ideation
7 and temper plans. He has remained alcohol free for 15
8 years, never used illegal narcotics. Never? Marijuana?

9 INMATE ROMERO: No.

10 DEPUTY COMMISSIONER HERRON: No? How come?

11 INMATE ROMERO THROUGH INTERPRETER: I've never
12 had interest in it.

13 DEPUTY COMMISSIONER HERRON: Okay. It says here
14 he's never used illegal narcotics. No evidence of
15 paranoia, psychotic nature, and no personality disorder.
16 Notwithstanding the presence of risk factors, that Mr.
17 Romero is male, has a history of alcohol abuse and
18 violence, it seems that in his consistent efforts over
19 the many years that he has been in prison, he seems to
20 have rehabilitated himself while currently reducing his
21 risk potential to as minimal a level as is possible.

22 The foremost risk factors if released to the
23 community is the potential for alcoholic relapse.

24 There's a clear established link between Mr. Romero's
25 past consumption of alcohol and commission of violence.

1 Were he to resume drinking, his violence potential
2 significantly increases.

3 Counterbalancing the risk for relapse are the
4 additional protective factors, Mr. Romero's strong,
5 apparently strong commitment to stay sober. And he
6 seems to fully accept that he is an alcoholic and must
7 never drink. He understands the link between drinking
8 and his violent behavior. He shows no sign of impending
9 relapse such as the presence of cravings for alcohol.
10 And he now has coping skills.

11 Unlike the majority of lifers, he showed no signs
12 of self-pity, resentment or bitterness about being
13 locked up indefinitely even when he expressed that by
14 having gone to prison, the greatest loss of his life was
15 losing his family and feeling powerless to provide them
16 with anything more than a phone call, letter, or short
17 visits of an infrequent basis.

18 He indicated that if he is to live the rest of his
19 life in prison, he will simply continue his established
20 life of advancing his knowledge and skills, being of
21 service to others and continuing to practice his faith.
22 All of these things collectively appear to keep him
23 positive and confident that no matter what happens, he
24 will continue to make -- he will continue to make a life
25 for himself that is meaningful, productive, as happy as

1 is possible and of help to others.

2 There are no psychiatric reasons to retain him.
3 Mr. Romero poses minimal risk to the community and the
4 condition that he continue his alcohol recovery
5 activities. Mr. Romero is a man who likely earned the
6 respect and positive regard of others in any community
7 he may live. And that was done by Elizabeth R. Lewis,
8 L-E-W-I-S, Ph.D.

9 Counselor, did I leave anything out that you want
10 part of the record.

11 **ATTORNEY CHRISTENSEN:** No, those words are fine.
12 Thank you.

13 **DEPUTY COMMISSIONER HERRON:** All right. Redirect
14 your attention to Commissioner Eng.

15 **PRESIDING COMMISSIONER ENG:** Okay. Let's go over
16 your parole plans, sir. This new Board report that we
17 have dated March 2007 states that if you are allowed to
18 remain in the US, you would live with your brother
19 Adrian Romero in Orange, California. And that this says
20 the letter received from your brother is dated November
21 2001; is that correct?

22 **INMATE ROMERO THROUGH INTERPRETER:** What's the
23 date?

24 **PRESIDING COMMISSIONER ENG:** 2001. But I'm
25 trying to see, we must have more current letters than

1 that.

2 INMATE ROMERO THROUGH INTERPRETER: I think I
3 have more in there that are more recent.

4 PRESIDING COMMISSIONER ENG: Yeah, all right.
5 And is that still your plan? And then you also state
6 that if you're deported, which is highly likely, that
7 you would live back with your parents back in Puebla,
8 Mexico.

9 INMATE ROMERO THROUGH INTERPRETER: That's
10 correct.

11 PRESIDING COMMISSIONER ENG: Okay. I'm trying to
12 see if there is a support letter. Okay, so I do have a
13 letter in the packet dated October 20th, 2005. And it
14 has been translated from Jesus Romero, who is your
15 father?

16 INMATE ROMERO THROUGH INTERPRETER: Yes.

17 PRESIDING COMMISSIONER ENG: Okay. Just
18 checking. And he states that he is there to tell us
19 that he will help you in everything that you need. He
20 always had all of my help, and he always will. He does
21 say that he has a place for you where you can live and
22 work because he owns farmland. That is why I ask you if
23 immigration is going to send him back to our country. I
24 will give him a place to live and also land to work.
25 Then there's what looks like it's a, it's to

1 attest and certify that Jesus Romero Juarez, native and
2 resident of the community of San Juan, I can't even
3 pronounce that, H-U-I-L-O-A-P-A-N, belonging to his
4 municipality is the legal owner of four homes, two made
5 of wood and two of masonry, and 20 hectares of arable
6 land which are cultivated, potatoes, corn, carrots, and
7 beans. And he has six hectares on the foothills. And
8 that is this -- This is a certification. Okay. So does
9 that mean your father owns a lot of land?

10 INMATE ROMERO THROUGH INTERPRETER: Yes.

11 PRESIDING COMMISSIONER ENG: The issue that the
12 Panel has is that your father has always been there
13 doing that, and yet you left it, okay?

14 INMATE ROMERO THROUGH INTERPRETER: That's true.

15 PRESIDING COMMISSIONER ENG: So what makes us
16 believe that you're going to go back and stay?

17 INMATE ROMERO THROUGH INTERPRETER: Well, you
18 know the truth is that I wouldn't want to leave and go
19 back over there.

20 PRESIDING COMMISSIONER ENG: Why? Your children
21 and your grandchildren are here in the United States.

22 INMATE ROMERO THROUGH INTERPRETER: But I know
23 they send me back to the country. I won't be able to come
24 back. I don't want to violate any more laws.

25 PRESIDING COMMISSIONER ENG: Okay. Well, I'm not

1 saying this to attack you in any way, okay, but this is
2 how others are going to think. Because it's not just
3 this Panel. It's a decision review process which you
4 already found out about with a split decision. It's the
5 rest of the Commissioners and the Governor's office.
6 There's a lot of people involved in the process, okay?
7 You disregarded all laws, okay? Up until this date.

8 This is why you are in this prison. You
9 disregarded the fact that you entered this country
10 illegally, probably not just once but quite a few times.
11 Because you stated that you have gone back and forth and
12 so have your family member; all right? You did, you had
13 a few arrests, you had a life crime.

14 A lot of your family is here. You left
15 originally all this land and the lifestyle that you had
16 in Mexico. You left to come over here knowingly. I
17 don't understand. You need to convince this Panel. I
18 don't understand what would stop you from coming back
19 illegally again even knowing -- you know it's illegal.
20 You knew it all along, but you still came. So what's to
21 stop you if you're paroled from getting tired of working
22 on the farm and heading back northward again.

23 **INMATE ROMERO THROUGH INTERPRETER:** I know if I
24 come back here and I violate the parole, they're going
25 to put me back in prison. And I don't want to be in

1 prison. I would prefer to be there than to be in
2 prison. The reality of what could be done, what would
3 happen if I came back?

4 PRESIDING COMMISSIONER ENG: Do you understand
5 that for all of your actions, that there is some
6 accountability here?

7 INMATE ROMERO THROUGH INTERPRETER: Yes, I know
8 that.

9 PRESIDING COMMISSIONER ENG: We do have a letter
10 from a Jerman, J-E-R-M-A-N, Monte -- M-O-N-T-E-D-E-O-C-A.

11 INMATE ROMERO THROUGH INTERPRETER: Montedeoca.

12 PRESIDING COMMISSIONER ENG: Montedeoca. Mr. --
13 okay. Montedeoca. And he states that he's been a
14 member of Alcoholics Anonymous for the past 25 years.
15 He says here in the town where I was born, San Antonio,
16 how do you pronounce that town?

17 INMATE ROMERO THROUGH INTERPRETER: Atzitzintla.

18 PRESIDING COMMISSIONER ENG: Ata?

19 INTERPRETER MARQUEZ: Atzitzintla.

20 INMATE ROMERO: Atzitzintla.

21 PRESIDING COMMISSIONER ENG: Okay. I'm not even
22 going to try that. Okay, A-T-Z-I-T-Z-I-N-T-L-A. Okay.
23 And that he met your father. And had a conversation, so

24 this is what you were stating that your father took a
25 look as to what type of community support there might be

1 for your alcohol problem.

2 INMATE ROMERO THROUGH INTERPRETER: That's
3 correct.

4 PRESIDING COMMISSIONER ENG: Okay. And that's
5 what this letter is. And it's dated October 20th, 2005.
6 Okay. Am I missing any other support letters? I don't
7 have anything from your brother.

8 INMATE ROMERO THROUGH INTERPRETER: They should
9 be in my file.

10 DEPUTY COMMISSIONER HERRON: I didn't see any.

11 PRESIDING COMMISSIONER ENG: But, sir, if there
12 was one and if it's dated 2001, that's not something
13 that I as a Panel member would even consider because
14 that's way too old.

15 INMATE ROMERO THROUGH INTERPRETER: I think
16 there's one from last -- since the last hearing.

17 PRESIDING COMMISSIONER ENG: Well, it wasn't
18 provided to us. Did you bring copies?

19 INMATE ROMERO THROUGH INTERPRETER: No, I give it
20 to my counselor, and she put it in the file.

21 PRESIDING COMMISSIONER ENG: Without the letters,
22 there's nothing I can do. I have to assume that it
23 doesn't exist because you don't have them. That's why
24 oftentimes many inmates make sure that they have copies
25 of everything and they carry that with them, because

1 sometimes things disappear. And, sir, didn't you review
2 your Central File? I thought you reviewed that January
3 26th.

4 INMATE ROMERO THROUGH INTERPRETER: I did a
5 cursory review, but I didn't review everything.

6 PRESIDING COMMISSIONER ENG: Okay.

7 INMATE ROMERO THROUGH INTERPRETER: It's a lot
8 for me to read.

9 PRESIDING COMMISSIONER ENG: It is a lot, but
10 that is also your responsibility. That's your life in
11 here, okay? And you've been through a lot of different
12 hearings. So you know that we have to rely on the
13 written documentation. It's not enough to sit there and
14 say things to us. Okay. That's okay. All right, is
15 there anything else that we need? Let's talk about
16 employment. So what would you be doing back in Mexico?

17 INMATE ROMERO THROUGH INTERPRETER: I would work
18 the land that my father has if he gives me some. And,
19 of course, the first thing that I would do when I got
20 there would be to find programs that would continue to
21 help me.

22 PRESIDING COMMISSIONER ENG: Okay. Before I go
23 any further, I want to make sure I don't forget. We
24 also send out 3042 notices. Those notices go to
25 agencies that have a direct interest in your case. We

1 do have a representative from the District Attorney's
2 office from Orange County who will be making a
3 statement, I'm sure, prior to recess.

4 But I also want to put into the record that we
5 did receive a letter dated February 7th, 2007, from the
6 city of Anaheim Police Department. This is from a
7 Sergeant Steve Marcin, M-A-R-C-I-N, with the Homicide
8 Detail. And this is basically a letter in response to
9 our 3042 notice about your upcoming suitability for
10 parole hearing. And he states he was not involved in
11 the original investigation, but he has reviewed the case
12 file.

13 And then he goes on to summarize the life crime.
14 And he states, "I do not believe Isedro Romero is a
15 candidate for parole. He participated in the planned
16 attack of Gomez by going to Gomez's residence. During
17 the assault Romero stabbed Gomez in front of his wife
18 and family members. The citizens of this state should
19 not be put at such risk that Isedro Romero can now
20 maintain himself with the judgment and control of a
21 reasonable person. On behalf of the citizens of the
22 city of Anaheim, I ask that Isedro Romero be denied
23 parole."

24 Okay, now I'm going to go back and talking about
25 your parole plans. And I'm going back and again I'm

1 focusing more on your history of alcohol abuse. And in
2 the last psychological evaluation, you know, you made a
3 statement, when I get drunk, I get violent. Okay. Now
4 I know that.

5 And then I think the psychologist, you did state
6 that I am an alcoholic. And then the psychologist, how
7 do you understand that you became a problem drinker.
8 And you state I saw my father drink when I was a boy. I
9 wanted to be like my father. I think because I saw him
10 drinking, I wanted to do it. Drinking was normal in my
11 culture. Everybody drank all the time. People got
12 drunk.

13 (Thereupon, the tapes were
14 changed off the record.)

15 DEPUTY COMMISSIONER HERRON: Alrighty. We're
16 back on the record.

17 PRESIDING COMMISSIONER ENG: Okay. I was going
18 to say that a concern is that you would be going back to
19 the same culture.

20 INMATE ROMERO THROUGH INTERPRETER: I'm going
21 back to my same culture, but not with the same mentality
22 that I had when I was a child. I know that alcohol for
23 me is a problem. Whatever happens, I know that I have
24 to avoid that.

25 PRESIDING COMMISSIONER ENG: But you'll be

1 surrounded by it. And by your own words, when you
2 drink, you get violent.

3 **INMATE ROMERO THROUGH INTERPRETER:** That's true.
4 But if I know that causes me harm, I'm never going to do
5 it again. I'm going to try by all means available to
6 ensure that I avoid that.

7 **PRESIDING COMMISSIONER ENG:** Okay. The other
8 thing that I wanted to bring up, I knew I had read this
9 somewhere and I just found it. Your prior arrest, what
10 was it, for battery? And you said it had to do with
11 your girlfriend, and I asked if you had hit her or
12 shoved her? Do you recall that earlier when we were
13 talking about that?

14 **INMATE ROMERO THROUGH INTERPRETER:** Yes.

15 **PRESIDING COMMISSIONER ENG:** Okay. Well, in this
16 particular psychological report, it does state that in
17 another incident prior to the instant offense were you
18 claim that you were drunk and you ended up stabbing and
19 killing Mr. Gomez that you were also under the influence
20 of alcohol and you threatened an ex-girlfriend with a
21 knife.

22 **INMATE ROMERO THROUGH INTERPRETER:** After my
23 girlfriend and I had that problem, I never tried to hurt
24 her with a knife. If that happen, when I went to court,
25 the judge would not have released me. He gave me five

1 days for what happened. I admit I had a problem with
2 her, but all we had was an argument

3 PRESIDING COMMISSIONER ENG: But did you pull a
4 knife on her. Because this was in your interview with a
5 psychologist. This was not a court document.

6 INMATE ROMERO THROUGH INTERPRETER: Well, in my
7 files, in my court files it was stated that I had
8 threatened her with a knife, but I never did threaten
9 her with a knife. We did have problems and we argued.
10 I don't deny that. That's true.

11 PRESIDING COMMISSIONER ENG: Okay. Any other
12 questions, Commissioner?

13 DEPUTY COMMISSIONER HERRON: No, Ma'am.

14 PRESIDING COMMISSIONER ENG: Okay. So I'm going
15 to open it up to Mr. Lockhart. Any questions you would
16 like posed to this inmate?

17 DEPUTY DISTRICT ATTORNEY LOCKHART: No, thank
18 you, Commissioner.

19 PRESIDING COMMISSIONER ENG: Okay. Ms.
20 Christensen?

21 ATTORNEY CHRISTENSEN: I do. Now, this AA group
22 in Puebla, you mentioned that your father is an
23 alcoholic. So do you know if he attends this group
24 also?

25 INMATE ROMERO THROUGH INTERPRETER: I don't know.

1 I don't know if he's doing it or not.

2 ATTORNEY CHRISTENSEN: What about the victim of
3 the crime, Jose Gomez, what are your feelings concerning
4 the effects of the crime on his family?

5 INMATE ROMERO THROUGH INTERPRETER: The truth is
6 I committed a crime. I understand that his family was
7 really bothered by it. And again it was due to the
8 alcohol this happened, and that's why I'm going to avoid
9 all that.

10 ATTORNEY CHRISTENSEN: Have you done anything to
11 make amends for this?

12 INMATE ROMERO THROUGH INTERPRETER: Amends of
13 what?

14 ATTORNEY CHRISTENSEN: Well, one of the 12 steps
15 talks about making amends. Have you been able to work
16 those steps?

17 INMATE ROMERO THROUGH INTERPRETER: On step
18 number eight, for example, states that we should
19 identify the persons that we have caused harm to and to
20 do some steps to make up for that. What I've done
21 honestly is I've tried to put down everything negative
22 that I've done and everything positive that I've done
23 and try to balance it out.

24 ATTORNEY CHRISTENSEN: Okay. No more questions.

25 PRESIDING COMMISSIONER ENG: Anything? Okay,

1 final statements, Mr. Lockhart.

2 DEPUTY DISTRICT ATTORNEY LOCKHART: Thank you.

3 I'm asking the Board to find the inmate unsuitable for
4 parole because he has failed the first step for
5 suitability, which is acceptance of an insight into the
6 murder for which he is incarcerated.

7 First the inmate says that he stabbed Jose Gomez
8 in self-defense. Secondly he says he doesn't know how
9 he stabbed Jose Gomez but it must have been what he's
10 characterized as an accident all of these years. His
11 self-defense claim is absurd for the following reasons.
12 He made the choice to go over there with his buddies to
13 the house belonging to Jose Gomez. He made the choice
14 to engage in this macho confrontational behavior because
15 his buddy wanted to assert his dominance over Sofia, the
16 woman. If you read the Appellate opinion which is part
17 of the file, the Court of Appeal said that this was an
18 unprovoked beating by the inmate and his friends.

19 Secondly, the inmate was armed. Jose Gomez was
20 not. That's also in the Appellate opinion. You don't
21 get to bring a knife to a verbal confrontation that you
22 initiate, turn it into a violent confrontation and then
23 assert a self-defense claim. You can't even bring a
24 knife to a fistfight and assert self-defense without
25 some circumstances indicating that the knife is

1 necessary to keep you from being harmed or killed.

2 What we have here is an initiation by the inmate
3 and his buddies. They go over there. They start
4 everything. They are armed or at least he's armed, and
5 now all of a sudden we claim it's self-defense. It
6 doesn't make sense. The testimony moreover from the
7 witnesses that's in various reports in the file, was
8 that the inmate himself grabbed Jose Gomez, pulling Jose
9 Gomez towards him and then stabbed him in the chest.

10 How is it self-defense? If you're running away
11 from someone who, he says he's crossing the street and
12 going on the other sidewalk. How -- why would he pull
13 the person from which he's running and afraid and stab
14 him if this is self-defense claim. It doesn't make
15 sense.

16 Additionally his claim that Jose Gomez, and this
17 is in the psych report, I believe it's in the Board
18 report as well, that Jose Gomez came after him and tried
19 to stab him in the head and he put up his hands and then
20 got the stab wound in the arm does not comport with the
21 evidence that was presented at trial which is that Jose
22 Gomez was unarmed. And again that's in the Appellate
23 opinion and you can't get around that.

24 The fact that he claims it's an accident is also
25 ridiculous. He says in the current Board report that it

1 was an accident. I accidentally stabbed him. Well, the
2 victim, Jose Gomez, was stabbed eight times, again in
3 the Appellate opinion. The Appellate opinion further
4 states that at least three of those stab wounds were
5 from the inmate, two of them in the chest. That's not
6 an accident. You don't accidentally stab someone at
7 least three times. Now he's claiming there weren't
8 eight stab wounds. And the Appellate opinion does say
9 that at least three of them were from him.

10 It might be more believable if the inmate were to
11 claim that he was too drunk to remember what happened,
12 but he can't even do that. Because he testified at his
13 first trial that he wasn't feeling the effects of
14 alcohol and he had no memory lapse and that's on page
15 two of the Appellate opinion. So his it's all due to
16 the alcohol excuse conflicts with his own testimony at
17 the first trial.

18 In fact that was the essence of his second appeal
19 was that he testified at the first trial, said I didn't
20 feel any of the effects of alcohol. I have a clear
21 memory of what happened. Then at the second trial, he
22 didn't testify and the DA introduced the prior
23 statements and that was the subject of the second appeal
24 was to say that that was in error and the Appellate
25 court said no it was not error and, in fact, made

1 reference to those statements in saying that the inmate
2 did not feel the effects of the alcohol, even though
3 he's a .16.

4 . Apparently, at least if you believe his trial
5 testimony, he has a high tolerance for alcohol. He had
6 a clear memory of what happened. So he can't sit here
7 and say the alcohol, the alcohol, I don't know why it
8 was going on, how did this accident occur, self-defense,
9 I don't have a clear recollection, it doesn't comport.

10 It's all summed up in the final statement of the
11 Appellate opinion on page six and I'll read therefrom.
12 The court says, "The evidence here was that the unarmed
13 victim was the subject of an unprovoked beating by
14 Romero and his cohorts and that Romero personally
15 stabbed him at least three times, twice in the chest.
16 Romero's own previous testimony negated any claim that
17 his ability to reason was impaired by alcohol. What
18 more need be said. It was more than adequate to support
19 a conviction for murder."

20 Nevertheless, he continues after all these years
21 to say this is a self-defense claim. Obviously the jury
22 didn't buy that twice, and he continues to mislead this
23 Board. He minimizes his conduct. He propounds
24 ridiculous excuses that don't fit the evidence.

25 Frankly, I can't believe that anyone ever thought

1 he was suitable for parole given his total lack of
2 insight. Nor do the previous one year denials
3 adequately reflect how truly unprepared he still is.
4 I'm urging the Board to render a multi year denial
5 thereby communicating to the inmate the seriousness of
6 his lack of insight and how much work he needs to do to
7 prepare himself for a finding of suitability. Thank
8 you.

9 **PRESIDING COMMISSIONER ENG:** Ms. Christensen.

10 **ATTORNEY CHRISTENSEN:** Now that's just
11 ridiculous. You've got a split decision last time and
12 he's very suitable for parole. It's time for the
13 taxpayers of the State of California to stop paying for
14 the board and care of this inmate here and send him back
15 to Mexico where he will not attempt to enter California.
16 He has done a lot with his life since coming to prison.
17 He will certainly be leaving a far better person than he
18 was when he entered the institution. Thanks again to
19 the taxpayers of State of California.

20 He has utilized all the resources available to
21 improve himself. When he came here, he could not speak
22 English. He speaks English quite well. Of course, he
23 has the interpreter here today, but I was able to

24 communicate with him just fine, so he will be returning
25 to Mexico as a bilingual person, which is certainly a

1 feather in his cap. He has marketable skills that he's
2 acquired. He has taken numerous self-help groups and,
3 most importantly, since coming to prison, he has
4 discovered that he's an alcoholic and he has taken steps
5 to address that problem.

6 So armed with all of that, he will be returning
7 to Mexico hopefully where he has a loving family ready
8 to accept him back there. He has land to work, farming,
9 which is the type of work that he did prior to coming to
10 the US. Really, he is all set to return. There's an AA
11 group all set up for him to attend as well.

12 Now the inmate has been doing an excellent job
13 here. He has been behaving himself very well. No 115s
14 ever, which is highly unusual. That shows that he can
15 behavior responsibility. That he certainly knows right
16 from wrong. He really is a -- He is someone who can be
17 counted upon to make the right choice. He is able to
18 cope with problems as they occur. He has been able to
19 do that quite well here in prison. Otherwise he would
20 have gotten 115s, but no, he's been disciplinary free.
21 So he's shown that he's able to cope with all the stress
22 here in the institution and not resort to alcohol. And
23 there is no reason to think that when he is returned to
24 Mexico that he would once again revert to his prior
25 irresponsible behavior. He's shown that he can be

1 responsible.

2 So, all in all, I think that his parole plans are
3 very viable. I think that he is well prepared to
4 reenter society, back to Mexico and that is where he
5 should be allowed to go and live the rest of his life
6 rather than remain in here in prison. But I certainly
7 do not think that a multi year denial is at all
8 appropriate in this case. I think that would be a real
9 travesty. Thank you.

10 **PRESIDING COMMISSIONER ENG:** Okay. Mr. Romero,
11 do you choose to make a final statement regarding your
12 parole suitability to this Panel?

13 **INMATE ROMERO THROUGH INTERPRETER:** I would only
14 want to ask you one thing. Give me another opportunity
15 and I will never disappoint you.

16 **PRESIDING COMMISSIONER ENG:** Okay. Okay, we'll
17 now recess for deliberations. The time is 1:57.

18 **R E C E S S**

19 **--oOo--**

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER HERRON: We are on the
4 record.

5 PRESIDING COMMISSIONER ENG: Okay. The time is
6 2:12 and all parties that were present prior to our
7 recess have returned in the matter of Isedro Romero, R-
8 O-M-E-R-O, CDC number D-07204, the Panel has reviewed
9 all information received from the public and relied on
10 the following circumstances in concluding that the
11 prisoner is not suitable for parole and would pose an
12 unreasonable risk of danger to society or a threat to
13 public safety if released from prison.

14 The Panel finds that the commitment offense was
15 carried out in a very cruel, very cold and callous
16 manner, in that this inmate along with his friends, his
17 crime partners, decided to go over to the victim, Mr.
18 Gomez's house and basically crash a party. They ended
19 up getting into an altercation whereby the inmate ended
20 up stabbing to death the host of the party, who was
21 unarmed.

22 It was carried out in a manner that demonstrated
23 a very callous disregard for human suffering. The

24 victim sustained anywhere from four to eight, we're not

25 ISEDRO ROMERO D-07204 DECISION PAGE 1 3/7/07

1 exactly sure, but based on the Appellate decision I
2 read, it stated eight. He was stabbed eight time. And
3 that basically after this altercation, the inmate and
4 his other crime partners just took off and left without
5 any regard for whether or not Mr. Gomez was dead or
6 alive.

7 The motive of the crime was extremely trivial in
8 relation to the offense and, actually based on
9 everything that we have read, this Panel does not
10 understand what motivated, what the true motivation for
11 Mr. Gomez losing his life that evening truly was. It
12 appears that the inmate and his friends were going over
13 to this party and they were trying to extricate one of
14 his friend's girlfriend who didn't want to leave and
15 somehow a brawl broke out. And this victim ended up
16 being stabbed to death.

17 However the versions somewhat differ from what I
18 really read out of the Statement of Facts. And again
19 the conclusions are drawn from the Statement of Facts
20 and where is on the -- in the early morning around one
21 a.m. on January 23rd, 1982, Mr. Romero, along with
22 Sergio Cruz, Arturo Cruz, and Mr. Gutierrez, and Mr.
23 Jimenez, went over to the residence of Jose Gomez where
24 a party was going on.

25 ISEDRO ROMERO D-07204 DECISION PAGE 2 3/7/07

1 And they, again, reportedly went over to the
2 residence to pick up Sergio's girlfriend. But almost
3 immediately upon their arrival at the party, a fight
4 ensued between Jose and the inmate, Mr. Romero.

5 And according to a lot of the readings of the
6 document that we have at our disposal, Romero was seen
7 by witnesses at the party grabbing Jose's hair and
8 pulling him forward and stabbing him in the chest area.
9 It also goes on to state that six members of the group
10 that arrived with Romero then left the area. Three left
11 via a vehicle that they had arrived in and three left by
12 foot. During this altercation, somehow Mr. Romero had
13 sustained a stab wound in his left forearm.

14 Regarding a previous record, this inmate does
15 have an escalating pattern of criminal conduct that led
16 up to this life crime. And based on his prior record,
17 he has failed previous grants of probation. He has
18 failed to profit from society's previous attempts to
19 correct his criminality. And these attempts do include
20 adult probation.

21 And his prior criminality does include an arrest
22 in 1978 in Garden Grove from drunk driving where he
23 received probation. And then in 1981, he was arrested

24 by the Orange Police Department for assault where he

25 ISEDRO ROMERO D-07204 DECISION PAGE 3 3/7/07

1 received probation.

2 And regarding that assault, in the recent
3 psychological evaluation, it does state that even though
4 the inmate denies this, it states that he had threatened
5 his ex-girlfriend with a knife. But again, the inmate
6 does deny that happening.

7 But all this led up to that night or the early
8 morning hours of January 23rd where this inmate who was
9 in the habit of walking around with a knife on him,
10 ended up pulling that knife out and murdering Mr. Gomez.

11 Regarding this inmate's institutional behavior,
12 we find that his misconduct while incarcerated include
13 two 128(a) counseling chronos, the last one being in
14 August of '93 for a positive skin test.

15 The psychological report dated June of 2005 and
16 authored by Dr. E. Lewis, L-E-W-I-S, this Panel finds it
17 somewhat inconclusive in that they do state that if
18 released to the outside community, Mr. Romero based
19 static factors for increased risk -- increased violence
20 potential when compared to the average member of the
21 general population, that he is at increased risk because
22 of the fact that he's a man, he's committed violence
23 before, he's single, and he has a history of alcohol

24 abuse. But they go on to basically state that he's

25 ISEDRO ROMERO D-07204 DECISION PAGE 4 3/7/07

1 likely to lower his risk for violence just by aging
2 alone. The fact that he's over 40 and several other
3 things.

4 However, what's of great concern is that this
5 doctor does state that because of the established
6 actuarial and clinical risk factors in this case, Mr.
7 Romero will never pose as low a risk as the average
8 member of the general population. And that according to
9 this particular psychologist, if Mr. Romero is released
10 back into the community, and if he were to remain free
11 of alcohol, he would pose a minimal risk of
12 dangerousness to others.

13 The minimal risk that he currently poses is
14 contingent upon Mr. Romero's commitment to lifelong
15 sobriety by continuing to attend Alcoholic's Anonymous
16 or participate in alternate alcohol recovery activities
17 in the United States or Mexico. And that they go on to
18 state the foremost risk factor if released in the
19 community is again the potential for alcohol relapse.
20 And that there's a clear established link between Mr.
21 Romero's past consumption of alcohol and the commission
22 of violence. Were he to resume drinking, his violence
23 potential significantly increases.

24 One of the alarming factor that this Panel sees
25 ISEDRO ROMERO D-07204 DECISION PAGE 5 3/7/07

1 is that coupled with what the psychological evaluation
2 states that really focuses on your high risk should you
3 ever return to substance abuse, one of the things that's
4 of great concern was that during the hearing we did
5 note, this Panel did note that it did not appear to us
6 that your attendance in the substance abuse program was
7 of the utmost priority in your life.

8 You stated that you had other things to do and a
9 conflict in your schedule that prohibited you from
10 attending some of your AA meetings. And especially when
11 I specifically asked you what happened because you only
12 attended once in the year 2000, twice in the year 2002,
13 nothing in '01, once in '03, and nothing in '04, '05,
14 and then you picked it back up.

15 So of great concern, sir, is that if this were
16 the top priority in your life, that would never happen.
17 You would fully understand that continued support in
18 keeping you sober is the number one goal in your life to
19 survive.

20 We do note that this inmate did submit some
21 parole plans in his last country of legal residence in
22 Mexico. It was a 2005 letter, and the Panel does
23 understand it's difficult to get the letters current

24 especially after one year and then translated. But he
25 ISEDRO ROMERO D-07204 DECISION PAGE 6 3/7/07

1 did provide some documentation referring to his parents
2 and his father specifically in the farm land that he
3 does own and the support that he was offering.

4 However, we're not sure about acceptable
5 employment plans back in Mexico except that what the
6 inmate stated that he would go back to farming.
7 However, again, the caveat, what leaves questions in
8 this Panel's mind about this is what you had before when
9 you chose to live initially and come to the United
10 States and now you're going back to that.

11 And the same thing with there's some discomfort
12 in this Panel knowing that what you had admitted that
13 the culture that you grew up with the fact that your
14 father was a heavy drinker and may be an alcoholic and
15 that the culture that's surrounding and the way you grew
16 up was that everybody drinks.

17 So it is of grave concern that you would be
18 returning back to that same culture of drinking when you
19 admitted that when you drink and you get drunk you do
20 get violent. Okay.

21 Well, we do note that the District Attorney's
22 Office of Orange County, the representative was present
23 and stated their opposition to parole at this time.

24 What did I do with that letter? We also note that we

25 ISEDRO ROMERO D-07204 DECISION PAGE 7 3/7/07

1 had a response to the 3042 notices that the city of
2 Anaheim Police Department also stated in writing their
3 opposition to parole at this time.

4 The Panel makes the following findings: That the
5 prisoner does need to continue with all types of
6 documented self-help in order to face, discuss,
7 understand, and cope with stress in a nondestructive
8 manner. Until progress is made, the prisoner continues
9 to be unpredictable and a threat to others.

10 And sir, it's not just stress. It's really do
11 whatever you need to do to get a better understanding
12 and to be able to communicate with a future Panel as to
13 what brought you to make the decisions that you did that
14 evening. There's a lot of questions and we ended up
15 leaving here with more questions than what we have
16 answers for. And that to understand what functional
17 alcoholism is. It appears that you have a very high
18 tolerance for a certain level of alcohol. And we really
19 question whether or not, how inebriated you really were
20 during the life crime, okay.

21 So basically, sir, we're giving you another one
22 year denial. And I highly recommend that you use that
23 time wisely to get additional self-help, to get a better
24 understanding of why you did the things you did. We

25 ISEDRO ROMERO D-07204 DECISION PAGE 8 3/7/07

1 recommend that you remain disciplinary free, and that if
2 available, you continue to upgrade vocationally and
3 educationally, and also participate in self-help. And
4 update those support letters, okay?

5 That concludes the reading of -- the hearing.
6 Any comments, Commissioner.

7 DEPUTY COMMISSIONER HERRON: No, Ma'am.

8 PRESIDING COMMISSIONER ENG: Okay, the time is
9 2:25, thank you.

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21 PAROLE DENIED ONE YEAR

22 THIS DECISION WILL BE FINAL ON: JUL 05 2007

23 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT

24 DATE, THE DECISION IS MODIFIED.

25 ISEDRO ROMERO D-07204 DECISION PAGE 9 3/7/07

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, SANDRA TILLMAN, as the Official Transcriber,
hereby certify that the attached proceedings:

In the matter of the Life)	CDC Number: D-07204
Term Parole Consideration)	
Hearing of:)	
)	
ISEDRO ROMERO)	
_____)	

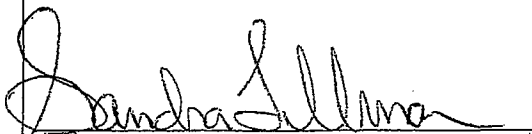
SAN QUENTIN STATE PRISON

SAN QUENTIN, CALIFORNIA

MARCH 7, 2007

12:14 P.M.

were held as herein appears. Further, this transcript
is a true, complete, and accurate record, to the best of
my ability, of the recorded material provided for
transcription.



Sandra Tillman
April 25, 2007
Capitol Electronic Reporting

EXHIBIT "B"

1 SANTA ANA, CALIFORNIA - THURSDAY, JULY 8, 1982

2 MORNING SESSION

3 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN
4 COURT IN THE PRESENCE OF THE JURY:)

5 MR. GOETHALS: WITH THE COURT'S PERMISSION, WE HAVE
6 AGREED TO INTERRUPT THE PRESENT WITNESS FOR ANOTHER WITNESS
7 TO TESTIFY VERY BRIEFLY.

8 THE COURT: THAT'S FINE. CALL THAT WITNESS.

9 MR. GOETHALS: PEOPLE CALL DR. ROBERT RICHARDS.

10 ROBERT GEORGE RICHARDS,
11 CALLED AS A WITNESS BY THE PEOPLE, WAS DULY SWORN AND
12 TESTIFIED AS FOLLOWS:

13 THE CLERK: DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY
14 YOU ARE ABOUT TO GIVE IN THE CASE NOW PENDING BEFORE THIS
15 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
16 THE TRUTH SO HELP YOU GOD?

17 THE WITNESS: I DO.

18 THE CLERK: STATE YOUR FULL NAME AND SPELL YOUR
19 LAST NAME.

20 THE WITNESS: ROBERT GEORGE RICHARDS,
21 R-I-C-H-A-R-D-S.

22 DIRECT EXAMINATION

23 Q BY MR. GOETHALS: YOU'RE A MEDICAL DOCTOR;
24 IS THAT CORRECT, SIR?

25 A YES.

26 Q HOW LONG HAVE YOU BEEN AN M.D.?

1 A SINCE 1948.

2 Q WOULD YOU DESCRIBE YOUR MEDICAL BACKGROUND AND
3 EXPERIENCE?

4 A FOUR YEARS OF MEDICAL SCHOOL, FOUR YEARS
5 OF RESIDENCY, AND MY PRACTICE IS LIMITED TO PATHOLOGY.

6 I'M LICENSED IN THE STATE OF CALIFORNIA AND
7 I'M CERTIFIED IN CLINICAL ANATOMIC AND FORENSIC --

8 MR. KIES: I WILL STIPULATE TO HIS QUALIFICATIONS.

9 THE COURT: ACCEPTABLE?

10 MR. GOETHALS: YES.

11 THE COURT: YOU WILL CONSIDER DR. RICHARDS AN EXPERT
12 IN ALL AREAS IN WHICH HE TESTIFIES.

13 ASK YOUR NEXT QUESTION.

14 Q BY MR. GOETHALS: WORKING AS A PATHOLOGIST,
15 ARE YOU CURRENTLY UNDER CONTRACT WITH THE COUNTY OF
16 ORANGE TO DO AUTOPSIES?

17 A YES, I'VE BEEN DOING THAT FOR 25 YEARS.

18 Q DIRECTING YOUR ATTENTION TO JANUARY 30, 1982
19 AT APPROXIMATELY 11:15 IN THE MORNING, DID YOU HAVE OCCASION
20 TO PERFORM AN AUTOPSY ON A DECEASED IDENTIFIED AS JOSE
21 GOMEZ?

22 A YES, I DID.

23 Q WHERE DID YOU PERFORM THAT AUTOPSY?

24 A AT THE NEW FACILITY OVER HERE.

25 Q THE ONE ADJACENT TO THE SHERIFF'S OFFICE AND
26 JAIL?

1 A YES.

2 MR. GOETHALS: MAY I APPROACH THE WITNESS, YOUR
3 HONOR?

4 THE COURT: YES. WE MAY AS WELL DISPENSE WITH THE
5 REQUEST TO APPROACH THE WITNESS, CLERK, AND THE BOARD,
6 SINCE NOBODY COMPLIES WITH IT ANYWAY -- LITTLE HUMOR,
7 VERY LITTLE.

8 MR. KIES: MAY WE APPROACH? I BELIEVE WE HAVE A
9 STIPULATION, YOUR HONOR.

10 THE COURT: FRAME IT.

11 MR. KIES: THAT THE -- IT WOULD BE STIPULATED THAT
12 IF A RELATIVE -- WELL, THE BASIC STIPULATION IS, YOUR HONOR,
13 IS THAT JOSE GOMEZ THAT DR. RICHARDS DID THE AUTOPSY ON
14 IS THE SAME JOSE GOMEZ WHO WAS IDENTIFIED AS BEING IN THE
15 FIGHTING ON JANUARY 22, 1982 OUTSIDE OF 431 KODIAK.

16 THE COURT: AND THAT, OF COURSE, HE WAS A LIVE
17 HUMAN BEING PRIOR TO DR. RICHARDS' OBSERVING HIM DURING
18 THE AUTOPSY?

19 MR. KIES: THAT'S CORRECT.

20 THE COURT: SO STIPULATED?

21 MR. GOETHALS: YES, YOUR HONOR.

22 THE COURT: THAT STIPULATION IS ENTERED.

23 LADIES AND GENTLEMEN, THAT FACT IS
24 CONCLUSIVELY PROVED, THAT IT IS THE SAME INDIVIDUAL.

25 Q BY MR. GOETHALS: DR. RICHARDS, DURING THE
26 COURSE OF YOUR AUTOPSY ON JOSE GOMEZ, DID YOU FIND ANY

1 WOUNDS ON HIS BODY?

2 A THERE WAS A FATAL STAB WOUND IN THE LEFT
3 CHEST THAT PENETRATED THE HEART.

4 THERE WAS A STAB WOUND IN THE RIGHT CHEST
5 THAT DID NOT PENETRATE BEYOND THE BONE OF THE CHEST.

6 THERE WAS A STAB WOUND IN THE HIP, RIGHT
7 HIP, THAT WAS ABOUT TWO AND A HALF INCHES DEEP.

8 AND THERE WAS A VERY SUPERFICIAL SLICE TO
9 THE LEFT UPPER ARM.

10 Q OF THE FOUR WOUNDS THAT YOU MENTIONED, FROM
11 WHAT YOU'VE MENTIONED, I WOULD ASSUME THAT IT WAS THE LEFT
12 CHEST WOUND THAT WAS THE MOST SERIOUS; IS THAT CORRECT?

13 A THAT WAS THE FATAL ONE, YES.

14 Q COULD YOU EXPLAIN TO THE JURY WHY THAT
15 PARTICULAR WOUND WAS A FATAL WOUND?

16 A IT PENETRATED THE HEART.

17 Q SO IT PUNCTURED THE HEART?

18 A YES.

19 Q HOW DID THAT CAUSE DEATH?

20 A COULD BE LOSS OF BLOOD, PRIMARILY.

21 THE BLEEDING INTO THE PERICARDIAC SAC --
22 THE HEART IS IN THE SAC AND FILLING THAT SAC WITH BLOOD
23 WOULD CERTAINLY MAKE IT A VERY POOR PUMP. THAT IS, IT
24 WOULD NOT BE ABLE TO EXPAND AND TO TAKE BLOOD IN OR PUMP
25 BLOOD OUT EFFECTIVELY.

26 Q FROM WHAT YOU'VE SAID, AND FROM ANY BASIC

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1 UNDERSTANDING, I WOULD ASSUME IT'S A FAIRLY SERIOUS WOUND
2 AS SOON AS IT'S ADMINISTERED OR INFLICTED; IS THAT TRUE?

3 A YES, IT'S FATAL FOR ALL INTENTS AND
4 PURPOSES.

5 Q IS IT POSSIBLE THAT A PERSON WHO HAS BEEN
6 STABBED IN THE MANNER THAT YOU FOUND THAT OCCURRED TO
7 JOSE GOMEZ, IS IT POSSIBLE THAT SUCH A PERSON COULD REMAIN
8 UPRIGHT AND WALK AROUND FOR SOME PERIOD OF TIME AFTER
9 RECEIVING THAT TYPE OF WOUND?

10 A IT'S POSSIBLE, YES.

11 I'VE SEEN CASES THAT WERE UP AND ACTIVE FOR
12 POSSIBLY TEN SECONDS, 12 SECONDS.

13 Q WHEN YOU DID THE AUTOPSY ON JOSE GOMEZ DID
14 YOU SEE ANY INDICATION OF ANY RECENT MEDICAL TREATMENT OR
15 SURGERY?

16 A YES. THERE WAS QUITE A BIT.

17 Q COULD YOU DISTINGUISH BETWEEN YOUR AUTOPSY,
18 THE SURGICAL INCISIONS, FROM WHAT YOU DESCRIBED AS THE
19 STAB WOUNDS?

20 A YES.

21 Q WAS THERE ANYTHING IN PARTICULAR THAT ALLOWED
22 YOU TO TELL ONE FROM THE OTHER?

23 A MOST OF THE SURGERIES WERE SUTURED OR
24 CONTAINED DRAINS, YOU KNOW, THAT YOU WOULD ANTICIPATE THEN
25 WERE FOR THE BENEFIT OF THE INDIVIDUAL AND WERE SURGICALLY
26 INDUCED.

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1 Q SO THE FOUR WOUNDS YOU'VE TALKED ABOUT WITH
2 US WERE STAB WOUNDS RATHER THAN SURGICAL INCISIONS; IS
3 THAT RIGHT?

4 A THAT'S RIGHT.

5 MR. GOETHALS: THANK YOU. I DON'T HAVE ANY
6 FURTHER QUESTIONS. -- OH, EXCUSE ME, YOUR HONOR.
7 WE HAVE ENTERED INTO ANOTHER STIPULATION, I BELIEVE.

8 AND, THAT IS, DURING THE COURSE OF
9 DR. RICHARDS' AUTOPSY, BLOOD WAS REMOVED FROM THE DECEASED
10 JOSE GOMEZ, AND THAT IT WAS SUBSEQUENTLY EXAMINED BY A
11 PERSON QUALIFIED TO DO THAT, THAT THE BLOOD ALCOHOL LEVEL
12 WAS FOUND TO BE .12;

13 ADDITIONALLY SCREENED FOR DRUGS AND NO DRUGS
14 FOUND IN MR. GOMEZ'S SYSTEM.

15 THE COURT: SO STIPULATED?

16 MR. KIES: YES, YOUR HONOR.

17 COULD I HAVE A DISCUSSION WITH THE
18 DISTRICT ATTORNEY FOR ONE BRIEF MOMENT?

19 THE COURT: YES. GO AHEAD.

20 (DISCUSSION BETWEEN COUNSEL, OFF THE RECORD.)

21 MR. GOETHALS: YOUR HONOR, COULD I APPROACH THE
22 WITNESS AND ASK HIM A QUESTION, JUST BETWEEN THE TWO OF US,
23 FOR THE PURPOSE OF CLARIFYING THE STIPULATION?

24 MR. KIES: AND --

25 THE COURT: YES.

26 MR. KIES: -- THAT'S AT MY REQUEST.

1 (DISCUSSION BETWEEN THE DISTRICT ATTORNEY AND
2 THE WITNESS, OFF THE RECORD.)

3 MR. GOETHALS: THANK YOU, YOUR HONOR.

4 (DISCUSSION BETWEEN COUNSEL, OFF THE RECORD.)

5 MR. GOETHALS: YOUR HONOR, I'D LIKE TO ALTER THE
6 STIPULATION SLIGHTLY, IF I COULD.

7 THE STIPULATION WOULD BE AS FOLLOWS:

8 BLOOD WAS DRAWN FROM JOSE GOMEZ WHEN HE WAS
9 TAKEN TO THE HOSPITAL BY THE PARAMEDICS SHORTLY AFTER THE
10 TIME HE WAS STABBED, AND THAT BLOOD WAS ANALYZED AND FOUND
11 TO CONTAIN .12 PERCENT ALCOHOL AND NO DRUGS.

12 MR. KIES: SO STIPULATED.

13 THE COURT: THAT STIPULATION IS ENTERED AND IT IS
14 CONCLUSIVELY PROVED.

15 MR. GOETHALS: THANK YOU, YOUR HONOR. NO FURTHER
16 QUESTIONS.

17 THE COURT: YOU MAY CROSS-EXAMINE.

18 CROSS-EXAMINATION

19 Q BY MR. KIES: WERE YOU ABLE TO TELL WHETHER
20 THE STAB WOUND ON THE HIP WAS INFLICTED FIRST, AS OPPOSED
21 TO THE STAB WOUNDS IN THE CHEST AREA, OR VICE VERSA?

22 A NO, I WOULDN'T BE ABLE TO TELL THAT.

23 Q NOW, YOU'VE LIMITED THE ACTIVE PERIOD THAT
24 YOU BELIEVE IT'S POSSIBLE FOR A PERSON RECEIVING SUCH A
25 WOUND TO TEN OR 12 SECONDS.

26 WOULD YOU BELIEVE IT POSSIBLE FOR SUCH A

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1 PERSON TO, IN A SENSE, REMAIN IN COMBAT; IN OTHER WORDS,
2 MOVE TO DEFEND SOMEONE FOR, LET'S SAY, A PERIOD OF HALF A
3 MINUTE?

4 A I THINK THE BEST WAY TO ANSWER THAT IS THAT
5 A YEAR AGO I USED TO FEEL THAT IF YOU HAD A HEART INJURY
6 YOU FELT LIKE A STONE, NO MORE ACTIVITY.

7 HOWEVER, DURING THAT PERIOD OF TIME CERTAIN
8 CASES HAVE OCCURRED THAT HAD TIME DURATION, THAT IS, FATAL
9 HEART INJURY STAB WOUNDS, GUNSHOT, THAT HAD AS MUCH AS
10 10 OR 12 SECONDS. THEREFORE, I FEEL IT'S REASONABLE TO
11 ASSUME THAT ON AN OCCASION THIS CAN OCCUR.

12 I DON'T RECALL EVER HAVING ONE, YOU KNOW, FOR
13 30 SECONDS.

14 Q WOULD THE AGE AND THE HEALTH OF THE PERSON
15 RECEIVING THE WOUND BE A FACTOR IN DETERMINING HOW SUCH A
16 PERSON COULD REMAIN ACTIVE?

17 A YES, AND POSSIBLY WILL WOULD ALSO BE A
18 FACTOR.

19 Q SO IF THE INJURED PERSON WITH AN INJURY IN
20 THE HEART HAD BEEN STIMULATED, LET'S SAY, VERY STRONGLY
21 STIMULATED IN COMBAT OF SOME SORT, IT WOULD BE MORE LIKELY
22 THAT THAT PERSON COULD REMAIN ACTIVE FOR A LONGER PERIOD?

23 A IT'S POSSIBLE.

24 Q WERE YOU ABLE TO DETERMINE WHETHER THERE WAS
25 ANY OTHER PRE-EXISTING BRUISING ON THE BODY OF MR. GOMEZ?

26 MR. GOETHALS: I'D OBJECT. IT'S VAGUE AS TO WHAT

1 CONSTITUTES PRE-EXISTING.

2 THE COURT: SUSTAINED.

3 Q BY MR. KIES: WELL, CALL IT BRUISING CAUSED
4 BY STRIKING OF SOME SORT, OTHER THAN BRUISING CAUSED BY
5 HOSPITAL PROCEDURES, MEDICAL PROCEDURES.

6 A THERE WAS A BRUISE ON THE UPPER LIP AND A
7 CRUSTING, HEALING TYPE OF PROCESS ON THE LOWER LIP.

8 Q DID YOU NOTICE ANY OTHER, LET'S SAY, MINOR
9 ABRASIONS OR CUTS?

10 A I'D HAVE TO REFRESH MY MEMORY.

11 Q PLEASE DO, DOCTOR, OTHER THAN WHAT MAY HAVE
12 BEEN CAUSED BY MEDICAL PROCEDURES.

13 A I HAVE NO RECORDS. PERHAPS THE PHOTOGRAPHS
14 MIGHT SHOW MORE.

15 Q NOW, IF WITNESSES INDICATED THAT THEY SAW
16 VERY LITTLE BLOOD ON THE OUTSIDE OF THE BODY OF THIS
17 MR. GOMEZ, AT LEAST INITIALLY WHILE HE WAS STILL, LET'S
18 SAY, MOVING, WOULD THAT INDICATE TO YOU THAT POSSIBLY
19 BLOOD PRESSURE WAS BEING MAINTAINED IN MR. GOMEZ'S SYSTEM
20 BY EITHER A SLOWER LEAKAGE THROUGH THE HEART OR BY THE
21 HEART STABBING -- I FORGET THE EXACT WORD YOU USE FOR THE
22 HEART STABBING -- WOULD THAT MAINTAIN PRESSURE FOR A PERIOD
23 OF TIME?

24 A IT WOULD -- THERE WOULDN'T BE ANYTHING IN THE
25 PROCESS THAT WOULD GO ON THAT WOULD AID OR ABET BLOOD
26 PRESSURE.

1 THE STAB WOUND EXTENDED FROM THE -- RIGHT
2 THROUGH THE SEPTUM INTO THE LEFT HEART, SO THE PRESSURE
3 THAT YOU'RE REALLY WORKING UNDER WOULD BE NORMAL BLOOD
4 PRESSURE, THAT IS, YOU KNOW, SAY 120 OVER 80 OR SOMETHING
5 OF THAT SORT, AND THAT'S EXPRESSED IN MILLIMETERS OF
6 MERCURY.

7 IT'S A GOOD HEAD OF PRESSURE SO THAT THAT
8 BLOOD UNDER THAT PRESSURE WOULD BE LEAKING OUT.

9 OF COURSE, FIRST IT WOULD FILL UP THE SAC
10 WHICH PROBABLY WOULDN'T TAKE A VERY LONG PERIOD OF TIME.
11 I THINK THE ONLY REASON THAT YOU PROBABLY WOULDN'T GET
12 BLOOD SHOWN RIGHT AWAY WOULD BE THAT A STAB WOUND WOULD
13 CLOSE, TEND TO APPROXIMATE THE EDGES, AND MIGHT RETAIN THE
14 BLOOD INSIDE FOR A PERIOD OF TIME.

15 Q WELL, THE BASIC CAUSE OF DEATH IS THAT
16 ULTIMATELY THE BLOOD CIRCULATION SYSTEM RUNS OUT OF BLOOD;
17 IS THAT CORRECT?

18 A YES. IT'S THE BLEEDING, LOSS OF CIRCULATING
19 VOLUME AND, AS I MENTIONED BEFORE, IT WOULD ALSO -- EXCUSE
20 ME -- ALSO BE THE LOSS OF FUNCTION TO THE HEART BY FILLING
21 THE PERICARDIAL SAC WITH BLOOD;

22 IN OTHER WORDS, IT'S LIKE YOUR ARMS. YOU
23 HAVE PRETTY STRONG FLEXERS BUT WEAKER EXTENDERS, SO THAT
24 THE HEART HAS VERY GOOD CONTRACTING MUSCLE, BUT IT DOESN'T
25 HAVE ANYTHING TO EXPAND IT.

26 THAT'S DONE BY GRAVITY SO AS THE HEART SAC

1 FILLS UP IT WOULD PUSH THE HEART MORE AND MORE, IT WOULD
2 CONTRACT LESS, IT WOULD CONTRACT POORER.

3 LET'S SAY THE TRAUMA TO THE HEART ITSELF
4 THAT CAUSES THE HEART TO STOP; IN OTHER WORDS, THE HEART,
5 IN A SENSE, KEEPS ON BEATING BUT IN A WEAKER MANNER.

6 THE CONDUCTION SYSTEM COULD BE INVOLVED AND,
7 AS SUCH, THERE MIGHT BE A FACTOR.

8 THE STAB WOUND WENT THROUGH THE SEPTUM AND
9 THE SEPTUM IS WHERE THE CONDUCTION SYSTEM FLOWS, IN OTHER
10 WORDS, THE ELECTRICAL IMPULSE TO THE HEART WOULD BE IN
11 THAT REGION.

12 Q BUT IF THAT OCCURRED YOU WOULD EXPECT THAT
13 THE DECEASED WOULD IMMEDIATELY FALL ON HIS FACE IF THE
14 HEART STOPPED IMMEDIATELY?

15 A YES, I WOULD.

16 MR. KIES: ALL RIGHT. I HAVE NOTHING FURTHER.

17 THE COURT: ANY REDIRECT?

18 MR. GOETHALS: YES, YOUR HONOR.

19 REDIRECT EXAMINATION

20 Q BY MR. GOETHALS: DOCTOR, YOU SAY IN RESPONSE
21 TO COUNSEL'S QUESTION, I THINK THAT AT ONE TIME IN YOUR
22 MEDICAL CAREER YOU FELT THAT IF SOMEONE RECEIVED A FATAL
23 HEART WOUND THEY SHOULD FALL LIKE A STONE; IS THAT RIGHT?

24 A YES.

25 Q DURING THE COURSE OF YOUR CAREER, HAVE YOU
26 SEEN THINGS OR HAD DISCUSSIONS WITH PEOPLE CONCERNING PEOPLE

1 WHO ARE DECEASED THAT YOU PERFORMED AUTOPSIES THAT HAVE
2 CAUSED YOU TO CHANGE THAT OPINION?

3 A YES.

4 Q CAN YOU GIVE AN EXAMPLE OF THE TYPE OF THING
5 THAT YOU HAVE EXPERIENCED THAT'S CAUSED YOU TO CHANGE YOUR
6 OPINION?

7 A WELL, THERE WAS A PAWN SHOP HOLD-UP AND THE
8 OWNER SHOT THE ROBBER AT THE DOOR AND, OF COURSE, THE
9 ROBBER SHOT THE OWNER. HE FELL DOWN BEHIND THE CABINET.

10 AND THE ASSAILANT MADE IT A DISTANCE OF
11 10 OR 12 FEET FROM THE DOOR TO THE CABINET AND WAS, YOU
12 KNOW, TRYING TO FINISH OFF THE OWNER WHEN HE DIED, WHICH
13 AT THAT TIME I FELT WAS, YOU KNOW, IMPOSSIBLE PRACTICALLY.

14 AND THEN THERE WAS ANOTHER INSTANCE WHERE IT
15 WAS WITNESSED THAT THIS MAN WAS SHOT IN THE MIDDLE OF THE
16 BLOCK AND HE RAN THE BALANCE OF THE BLOCK, ACROSS THE
17 STREET, AND COLLAPSED IN A PARKING LOT, WHICH WAS A DISTANCE
18 OF MORE THAN A HUNDRED YARDS. SO HE MUST HAVE BEEN A VERY
19 GOOD RUNNER AND THAT WOULD BE, YOU KNOW, 10, 12 SECONDS,
20 PROBABLY, WHICH WOULD BE THE MAXIMUM TIME THAT I'M REALLY
21 AWARE OF.

22 Q AND HAD BOTH OF THOSE PEOPLE THAT YOU'RE
23 TALKING ABOUT RECEIVED WOUNDS DIRECTLY TO THE HEART?

24 A THEY WERE BOTH WOUNDS TO THE HEART.

25 Q THE TYPE THAT YOU HAD PREVIOUSLY EXPECTED A
26 PERSON TO FALL LIKE A STONE?

1 A THAT'S CORRECT.

2 Q IN THIS CASE WHEN YOU DID THE AUTOPSY ON
3 JOSE GOMEZ, COULD YOU CHARACTERIZE FOR THE JURY WHAT HIS
4 HEALTH WAS EXCEPT FOR THE STAB WOUNDS; IN OTHER WORDS, DID
5 YOU FIND THAT HE HAD ANY OTHER MEDICAL PROBLEM OR WAS HE
6 IN GOOD HEALTH?

7 A HE WAS IN GOOD HEALTH.

8 MR. GOETHALS: THANK YOU. I DON'T HAVE ANY
9 FURTHER QUESTIONS.

10 THE COURT: RECROSS?

11 RECROSS-EXAMINATION

12 Q BY MR. KIES: DR. RICHARDS, THERE IS A
13 SUBSTANTIAL DIFFERENCE BETWEEN A WOUND CAUSED BY A BULLET
14 AS OPPOSED TO A WOUND CAUSED BY A SHARP KNIFE; IS THAT
15 CORRECT?

16 A I THINK YOU CAN IDENTIFY THE DIFFERENCE.
17 I DON'T UNDERSTAND WHAT --

18 Q WELL, A BULLET CAUSES SEVERE TRAUMA NOT ONLY
19 AS FAR AS THE HOLE GOING IN, BUT IT ALSO, TO A WIDER AREA,
20 BESIDES THE, CALL IT THE CIRCUMFERENCE OF THE BULLET,
21 BECAUSE OF COMPACTION OF THE MEMBRANES?

22 A YES.

23 Q NOW, FOR EXAMPLE, IN THIS PARTICULAR CASE
24 WE HAVE A KNIFE WOUND; IS THAT CORRECT?

25 A YES.

26 Q FROM LOOKING AT THE WOUND, I BELIEVE IT --

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1 WAS IT YOUR MEDICAL DECISION THAT THIS WAS A SHARP KNIFE?

2 A YES.

3 Q ALL RIGHT.

4 AND THUS THE WOUND WAS A VERY, ONE, A VERY
5 NARROW WOUND AS FAR AS WIDTH?

6 A YES.

7 Q AND A VERY CLEAN WOUND AS FAR AS THE AREA?
8 OR, LET'S SAY, A VERY SMALL WOUND AS FAR AS THE AREA IN
9 WHICH IT CAUSED IMMEDIATE DAMAGE?

10 A COMPARED TO A BULLET, YES.

11 Q IN FACT, A BULLET WOULD HAVE CAUSED A TRAUMA
12 TO THAT PARTICULAR AREA, LET'S SAY, AS FAR AS AREA GOES,
13 A HUNDREDFOLD WORSE?

14 A I DON'T KNOW IF I CAN GO THAT FAR.

15 OF COURSE, THE INJURY THAT THE BULLET WOULD
16 PRODUCE WOULD DEPEND ON THE VELOCITY AND THE TYPE OF SLUG.

17 I THINK THE ONLY THING THAT THEY WOULD SHARE,
18 THAT IS, THE SLOW, SMALL SLUG OR A FAST, LARGER SLUG, WOULD
19 BE WHAT APPEARS TO BE AN ERUPTION.

20 WELL, IT'S LIKE WHEN YOU POP A BALLOON OR A
21 BALLOON FULL OF WATER, YOU HAVE THE MOVEMENT OF THE BULLET
22 AND THEN YOU HAVE THE EXPANSIVE MOVEMENT OF THE FLUID AS
23 WELL THAT PRODUCES A GREATER TEARING.

24 Q AND THIS DOES NOT OCCUR WHEN YOU HAVE A SHARP
25 KNIFE INVOLVED?

26 A THAT'S TRUE.

1 Q WERE YOU ABLE TO DETERMINE THE MEASUREMENTS
2 OF THE WOUND AT THE ENTRY POINT IN THE HEART?

3 A MAY I?

4 Q YES, PLEASE.

5 A THE REPORT HAS NO MEASUREMENT.

6 AS I RECALL, THEY WERE ABOUT A HALF AN INCH.
7 THEY WERE SMALL.

8 Q HALF AN INCH IN LENGTH, FOR EXAMPLE?

9 A YES.

10 Q WHATEVER YOU WANT TO CALL IT, LIKE, SAY, A
11 SIXTEENTH OF AN INCH IN WIDTH? IN OTHER WORDS, WHAT I'M
12 TRYING TO DIFFERENTIATE, WHAT IS BETWEEN LIKE A CIRCULAR
13 WOUND AND LIKE A VERY FLAT TYPE WOUND.

14 NOW, IT WOULD HAVE BEEN A VERY FLAT TYPE WOUND?

15 A YES, IT WOULD.

16 Q NOW, THE HEART IS ALL MUSCLE AND THERE WOULD
17 BE A TENDENCY FOR THE HEART TO CLOSE AROUND A WOUND ONCE
18 THIS OBJECT, LET'S SAY THE KNIFE, WAS WITHDRAWN?

19 A IN THE CONTRACTING PHASE, YES, IT WOULD.

20 Q AS THE HEART CONTRACTS, IT WOULD DEFINITELY
21 TEND TO CLOSE OFF THAT WOUND TO THE BEST OF ITS ABILITY?

22 A YES.

23 Q FOR EXAMPLE, THERE WOULD BE A MAJOR DIFFERENCE
24 BETWEEN A WOUND IN THE HEART IN THAT RESPECT, OR A WOUND IN
25 THE ARTERY IN WHICH THE ARTERY DOES NOT HAVE THE SAME
26 MUSCULAR STRUCTURE AS THE HEART DOES?

1 A THAT'S TRUE.

2 Q NOW, WHEN GIVING EXAMPLES, HAVE YOU HAD ANY
3 EXPERIENCE WITH PERSONS WHO HAVE BEEN STABBED IN THE HEART
4 AND HAVE REMAINED ACTIVE?

5 A WE HAD ONE HERE RECENTLY WHERE THE VICTIM WAS
6 STABBED IN THE HEART IN THE MIDDLE OF THE STREET, LEFT
7 TURN LANE, AND HE WALKED ACROSS THE BALANCE OF THE STREET
8 AND COLLAPSED ON THE SIDE.

9 Q AND DO YOU HAVE A RECOLLECTION AS TO HOW
10 LONG THAT PERSON REMAINED ACTIVE?

11 A NO. NO, IT WOULD BE JUST THE TIME IT WOULD
12 TAKE TO CROSS HALF THE STREET.

13 Q AND IS THAT THE ONLY EXAMPLE THAT YOU
14 PERSONALLY KNOW OF OR HAVE READ ABOUT WHERE A PERSON HAS
15 MAINTAINED HIMSELF ACTIVE FOR A PERIOD OF TIME WITH A STAB
16 WOUND IN THE HEART?

17 A THAT'S THE ONLY ONE I CAN RECALL OFFHAND.

18 Q IF YOU WERE INFORMED BY AN ALLEGED EYEWITNESS
19 THAT THE VICTIM -- STRIKE THAT -- NOT VICTIM -- THAT THE
20 INJURED PERSON WITH THE STAB WOUND, MAINTAINED HIMSELF
21 ACTIVE TO THE POINT OF ACTUALLY GOING TO THE DEFENSE OF
22 ANOTHER PERSON FOR A RELATIVELY SHORT PERIOD OF TIME,
23 BUT A PERIOD OF TIME AND THEN WALKED ACROSS THE STREET,
24 WOULD YOU CONSIDER THAT AN EXCEPTION TO YOUR BASIC EARLIER
25 PREMISE, THAT IS, THAT A PERSON FALLS LIKE A STONE ONCE
26 STABBED?

1 A I'VE ALREADY SAID THAT I MODIFIED THAT WITH
2 EXPERIENCE AND THAT THAT EXPERIENCE WOULD EXTEND TO, YOU
3 KNOW, 10, 12 SECONDS, MAYBE 15 SECONDS.

4 EXPERIENCE DOESN'T SAY IT CAN GO BEYOND THAT,
5 BUT I SEE NO REASON WHY IT COULDN'T GO BEYOND THAT IF THE
6 WOUND WERE SUCH AND THE HEALTH OF THE INDIVIDUAL WAS SUCH
7 AND THE WILL WERE SUCH THAT THE INDIVIDUAL COULD USE THAT
8 LAST EFFORT.

9 MR. KIES: ALL RIGHT. FAIR ENOUGH. THANK YOU VERY
10 MUCH, DOCTOR.

11 THE COURT: MR. GOETHALS?

12 MR. GOETHALS: COUPLE MORE, YOUR HONOR. SORRY.

13 FURTHER REDIRECT EXAMINATION

14 Q BY MR. GOETHALS: DOCTOR, IN DESCRIBING THE
15 WOUND THAT YOU SAW IN THE CHEST AREA, WOULD YOU SAY THAT
16 THOSE WOUNDS AS YOU SAW THEM, AND AS YOU'VE DESCRIBED THEM,
17 AND AS YOU RECALL THEM, WERE CONSISTENT WITH A THRUSTING
18 TYPE MOTION INTO THE CHEST WITH A KNIFE?

19 A YES.

20 Q A QUICK THRUSTING AND THEN PULLING THE KNIFE
21 RIGHT OUT, THAT TYPE OF WOUND, RIGHT?

22 A YES.

23 Q RATHER THAN STICKING THE KNIFE IN AND TWISTING
24 IT AROUND OR ANYTHING LIKE THAT; IS THAT CORRECT?

25 A WELL, THEY WOULD BE JUST DIRECT STAB WOUNDS,
26 THAT IS, THE ONE TO THE LEFT CHEST, THE FATAL ONE, THERE WAS

1 NOTHING IN THE WAY OF TWISTING OR TURNING. THE ONE TO THE
2 RIGHT CHEST IS SO SUPERFICIAL THAT THERE'S VERY LITTLE
3 DIFFERENCE BETWEEN THE SKIN AND THE BREASTPLATE, MAYBE A
4 HALF INCH, SO THERE REALLY WOULDN'T BE ANY INDICATION OR
5 POSSIBLE INDICATION OF TWISTING OR TURNING ON THAT.

6 THE ONE IN THE HIP STOPPED AT THE BONE. SO,
7 AGAIN, THERE WASN'T ANY INDICATION THERE OF ANY TWISTING OR
8 TURNING.

9 Q JUST SO WE'RE ALL CLEAR ON ONE AREA, YOU
10 JUST HAD A DISCUSSION WITH MR. KIES ABOUT BULLET WOUNDS
11 VERSUS STAB WOUNDS, RIGHT, AND THE DIFFERENCE IN HOW THEY
12 MIGHT AFFECT SOMEONE, RIGHT?

13 A YES.

14 Q WOULD YOU EXPECT THE PERSON WITH THE TYPE
15 OF STAB WOUND THAT YOU SAW IN THIS CASE TO BE ABLE TO REMAIN
16 ACTIVE LONGER OR SHORTER THAN A PERSON WHO, SAY, WAS SHOT
17 IN THE SAME PLACE WITH A .38? CAN YOU SAY?

18 A POSSIBLY LONGER FOR THE REASONS OUTLINED,
19 THAT THE WOUND WOULD BE NARROWER, WOULD BE A BETTER
20 OPPORTUNITY TO CLOSE THE WOUND ANATOMICALLY, WHEREAS A HOLE,
21 AND USUALLY A BULLET WOUND, WILL HAVE SOME DEGREE OF
22 TEARING. THE HEART WOULD NOT BE ABLE TO CLOSE INJURIES
23 LIKE THAT AS WELL AS A STAB WOUND, SO THEY COULD BE
24 ACTIVE LONGER.

25 Q SO WHEN YOU DESCRIBED THE PREVIOUS EXAMPLES
26 YOU COULD OF THE PAWN SHOP ROBBER SHOT IN THE HEART OR THE

1 OTHER MAN WHO WAS SHOT IN THE HEART AND THEN RAN A HUNDRED
2 YARDS BEFORE HE COLLAPSED. IS THERE ANY REASON WHY A
3 STAB WOUND VICTIM WOULD NOT FALL WITHIN THOSE TYPE OF
4 SITUATIONS?

5 DO YOU UNDERSTAND THAT QUESTION?

6 A I'M NOT SURE I DO.

7 Q LET ME CLARIFY, IF I CAN.

8 YOU USE THOSE TWO EXAMPLES AS EXAMPLES THAT
9 CAUSED YOU TO CHANGE YOUR OPINION AS TO WHETHER OR NOT
10 SOMEONE WITH A HEART INJURY WOULD FALL RIGHT OVER LIKE A
11 STONE, RIGHT?

12 A YES.

13 Q DO YOU FEEL THAT THOSE EXAMPLES ARE
14 INAPPLICABLE TO YOUR OPINION CONCERNING SOMEONE WHO WAS
15 STABBED IN THE HEART?

16 A THEY'RE APPLICABLE ONLY IN THAT IT IS
17 POSSIBLE FOR SOMEONE WITH A HEART INJURY TO REMAIN UPRIGHT
18 AND ACTIVE FOR A PERIOD OF TIME, A SHORT PERIOD OF TIME
19 AFTER THE INJURY OCCURS.

20 Q AND FROM WHAT YOU JUST SAID, YOU WOULD
21 EXPECT A PERSON WITH A STAB WOUND AS OPPOSED TO A GUNSHOT
22 WOUND, TO BE ABLE TO REMAIN UP AND ACTIVE FOR AT LEAST
23 AS LONG, AND MAYBE A LITTLE LONGER?

24 A THAT'S CORRECT.

25 MR. GOETHALS: THANK YOU. I DON'T HAVE ANY
26 FURTHER QUESTIONS.

1 THE COURT: MR. KIES.

2 MR. KIES: NO, I DON'T HAVE ANYTHING FURTHER.

3 THE COURT: THANK YOU, DOCTOR. YOU'RE EXCUSED.
4 HAVE A GOOD DAY.

5 NEXT WITNESS.

6 MR. GOETHALS: PEOPLE RECALL GLORIA GOMEZ.

7 (WHEREUPON BIANCA MONTOYA, OFFICIAL COURT
8 INTERPRETER, HAVING BEEN PREVIOUSLY DULY SWORN, AND WHO
9 HAD BEEN SEATED NEXT TO THE DEFENDANT THROUGHOUT THE
10 PROCEEDINGS, CAME FORWARD TO INTERPRET THE PROCEEDINGS
11 FOR THE WITNESS.)

12 GLORIA DE ROSAS GOMEZ SANCHEZ,
13 RECALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
14 DULY SWORN, WAS EXAMINED AND TESTIFIED, THROUGH THE
15 INTERPRETER, AS FOLLOWS:

16 THE COURT: THE WITNESS IS STILL UNDER OATH.

17 YOU MAY INQUIRE.

18 DIRECT EXAMINATION (CONTINUED)

19 Q BY MR. GOETHALS: MS. GOMEZ, I THINK WE
20 STOPPED YESTERDAY AT ABOUT THE TIME THAT YOU SAW THE
21 CRUZ BROTHERS LEAVE THE AREA ON KODIAK IN A YELLOW CAR.

22 DO YOU REMEMBER THAT CAR, MA'AM?

23 A YES.

24 Q DID YOU SEE APPROXIMATELY HOW MANY PEOPLE
25 LEFT THE AREA IN THAT YELLOW CAR?

26 A FOUR.

EXHIBIT "C"

Romero, Isidro D-07204
June, 2005

**PSYCHOLOGICAL EVALUATION
FOR THE BOARD OF PRISON TERMS
SUMMER 2005 LIFER HEARING
SAN QUENTIN STATE PRISON**

1. Identifying Information: Isidro Romero is a 52 year-old native Mexican male who is serving a 16 year to life sentence for the 1982 murder of Jose Gomez. He has been denied parole nine times thus far. For a thorough review of background information see the previous psychological evaluations of September, 2004 and June, 2002.

This report is based on a 2 ½ hour interview occurring on June 23, 2005. The medical records and central file were reviewed for 3.0 hours.

Please note that the request for this current evaluation was due to objections raised by the inmate's attorney to the risk assessment section of the previous psychological evaluation of December, 2004. The objection pertained to a statement in the 12/04 evaluation, that Mr. Romero was statistically more likely to commit violence again when compared to the average member of the non-prison population for the reasons that "he is a man; he has a history of violence; he is single and he has a history of alcohol abuse."

CLINICAL ASSESSMENT

XII. Current Mental Status

A. Mental Status evaluation:

Mr. Romero presented as a short, slim but physically strong Latino male with neatly groomed, graying hair and brown eyes. His physical movement was fluid and natural while he wore standard prison issue clothing. He spoke accented English of sufficient fluency to the task at hand. His speech was of normal flow while content was logical and sequential with no evidence of thought disturbance. Mr. Romero was very polite and humble in his demeanor, while he related to the interviewer in a non-defensive and particularly forth right manner. He was cooperative and engaged throughout, making good eye contact and spontaneously disclosing of personal information when appropriate. Mr. Romero's mood was good with congruent and broad affect. There were no signs of psychosis nor evidence of homicidal or suicidal ideation, intent or plan. Mr. Romero was oriented to person, place, time and reason for the interview. There was no evidence of psycho-neurological deficits. Mr. Romero denied symptoms of mental illness.

B. Clinical Diagnosis and Level of Functioning:

Axis I: Alcohol Abuse in full institutional remission

Axis II: None

Axis III: None acute

Axis IV: Stressors: Incarceration with Life Term

Axis V: Global Assessment of Functioning (GAF) = 85

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C. Treatment Activities: None. Mr. Romero absent of psychiatric illness.

XIII: Review of Life Crime:

A. Inmates version and view of offense and attitude toward victim; assessment of causative factors.

Mr. Romero recalled the evening of the crime, "I was in a bar with some friends..we were invited to a party in Anaheim..the guys I was with in the car went out to the house...Sergio went...and Fausto came out and they started to fight..alot of people came out of the house... I do not know why they were fighting but I found out later that Sergio and his brother had 2 girl friends in the house and they came to pick them up but Fausto objected and they started to fight..I was in the yard and he (the victim) came out and confronted me, he was holding a knife and I said ""hold on"" because our fathers were friends - I don't want to fight...I walked backwards and went 50 feet from the house...my mistake was crossing the street because there were cars..I had my back to the cars..someone came up behind me and hit me in the neck...I drop to the ground on one knee, it was totally dark. He (the victim) came over and tried to stab me in the head...I put one arm up and he cut my arm...something happened like this, I don't know how I got the knife out...don't recall. Gomez (the victim) came to attack a second time..I think I was afraid..as he came, I ducked and shoved the knife at Gomez and thought I stabbed him in the stomach but it was in his chest. After that, Gomez turned and walked away and me and my friends went to the hospital. I did not intend to kill him..I tried to stop him..I was not that worried about him because he walked away..I thought he was not that injured...**[Reaction to the death of victim?]** I was arrested for the stabbing..he (the victim) was in the hospital..My wife visited me in jail and I find out I stabbed him in the chest...She said maybe he would die - it was terrible. **[What was terrible?]** I didn't want him to die, he's a human being, he's a man. There were no problems, why did this have to happen?...We (he and the victim) had nothing to do with the conflict (between Fausto and Mr. Romero's friends) but he died and I went to prison." **[How do you feel about what you did?]** I had to pay for it..what I did...I took a life and I did that..I can't bring him (the victim) back..I feel bad about the crime I committed. I hurt his family. I hurt my own family. Society does not want me back..I have no right to kill a human being..I have no right to do that." **[How do you understand that you killed the victim that evening?]** "When I get drunk I get violent, now I know that. I'm an alcoholic, I was an alcoholic but now all these years - I won't do it (drink) again. Alcohol was a problem for me so I stay away from that... in here (prison) I don't drink..I don't want to do that. **[How do you know that you can stay away permanently from alcohol if you were paroled?]** I go to AA every week since 1988. I had to accept that I am a alcoholic. I heard a lot of stories of going back (returning to alcohol)..when I heard it I realize I can't drink because the people who go back, all their problems from before come back with drinking. If I have a problem in my life, I don't go to bar to drink, instead I can talk to people now..better to talk to friend or family for help or advice...I have no desire to drink. I don't wish to do it..I don't want problems so I stay away from booze." **[How do you understand that you became a problem drinker?]** I saw my father drink when I was a boy...I wanted to be like my father...I think because I saw him drinking-I wanted to do it. Drinking was normal in my culture..everybody drink all the time...people got

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drunk. It was normal. **[If you are deported to Mexico how are you going to get support to stay sober there?]** I want to be more involved in AA if I get out...there are AA meetings in the city 15 miles from my village.. I want to do more service...I can drive there, it's not far. I only want to work on my family farm, make enough to eat and sell for my family. I want simple life, to work and be with my family. **[Will family members in Mexico respect and support your choice to abstain from alcohol?]** Yes, they know I don't drink..they don't bother me, they leave it alone."

Mr. Romero appears to feel genuine remorse and takes full responsibility for the murder. He does not evidence any signs of resentment or self pity for receiving a life sentence and spending the past 23 years in prison.

B. Relevance of mental condition to life crime/criminal behavior.

Mr. Romero was intoxicated at the time of the crime. His blood alcohol level was 0.16. In another incident prior to the instant offense and also under the influence of alcohol, he threatened an ex-girlfriend with a knife. He was also arrested for drunk driving.

XIV: Assessment of Dangerousness:

Risk for violence cannot be predicted with any certainty but statistics and research in the area of risk analysis have identified factors that make a particular individual more likely to commit future acts of violence than the average member of the non-prison population.

A. Within controlled setting:

Mr. Romero has remained discipline free and violence free for the entire time of his 23 year incarceration.. Therefore he is of minimal risk when compared to the general prison population.

B. If released to the outside community:

Mr. Romero has statistically based static factors for increased violence potential when compared to the average member of the general population. These factors still stand: 1) He is a man. 2) He has committed violence before. 3) He is single. 4) He has a history of alcohol abuse.

Factors that are likely to lower his risk for violence still stand as well. These are: 1) No history of childhood sociopathy. 2) Increased education. 3) Violence risk drops after age forty. 4) He has no motivation for violence and does not endorse any violent ideation, intent or plans. 5) He has remained alcohol free for 15 years and clearly understands that he cannot ever drink alcohol. 6) He has never used illegal narcotics. 7) There is no evidence of paranoia of a psychotic nature or as a result of a personality disorder.

Notwithstanding the presence of immutable risk factors in that Mr. Romero is male and has a history of alcohol abuse and violence, it seems that in his consistent efforts over the many years that he has been in prison he seems to have rehabilitated himself while

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concurrently reducing his risk potential to as minimal a level as is possible. However because of the established actuarial and clinical risk factors in his case, Mr. Romero will never pose as low a risk as the average member of the general population. At present, in this examiner's judgment, were Mr. Romero released back into the community and to remain alcohol free, he would pose minimal risk of dangerousness to others. The minimal risk that he currently poses is contingent upon Mr. Romero's commitment to life-long sobriety by continuing to attend Alcoholics Anonymous or participate in alternate alcohol recovery activities in the United States or Mexico. Mr. Romero is has bought into AA; and by all appearances is an active and enthusiastic member of the AA community. He seems to have internalized the tools that AA taught him so that will always know he is an alcoholic and must never drink. Achieving life-long sobriety hinges on continuous AA involvement that typically includes performing charitable activities and going to AA meetings no matter how much time has passed since the last drink.

C. Significant risk factors/precursors to violence:

The foremost risk factor if released into the community is the potential for alcoholic relapse. There is a clearly established link between Mr. Romero's past consumption of alcohol and the commission of violence. Were he to resume drinking his violence potential significantly increases. Therefore it is imperative that Mr. Romero if released, he continue to participate regularly in relapse prevention activities. If he is granted parole and deported back to Mexico, there are AA meetings available there, making it realistic for him to maintain his minimal risk status so as to he is not a danger to the people there..

Counter balancing the risk for relapse are the additional protective factors: Mr. Romero's apparent strong commitment to stay sober and that he seems to fully accept that he is an alcoholic and must never drink. That he shows he is invested in recovery activities and the sober community evidenced by his 15 year active involvement in Alcoholics Anonymous. That he also clearly demonstrates that he understands the link between his drinking and likely subsequent violent behavior. That he knows if he drinks he will likely cause himself serious problems. That he also shows no signs of impending relapse such as the presence of cravings for alcohol. That Mr. Romero now possesses coping skills to effectively handle his problems, wherein in the past, when confronted with difficulties he coped by drinking, avoiding his problems and making them even worse. Another factor militating against relapse is that he is firmly established in a busy lifestyle including regular and meaningful contact with others. It is commonly known that inactivity and isolation from others can make alcoholics vulnerable to distorted thinking and rationalizations that lead to relapse. This makes him less vulnerable to return to alcohol. Finally, Mr. Romero has achieved 15 years of uninterrupted sobriety. That he has not relapsed for such a length of time makes it more probable that he will not relapse in the future.

XV. Clinician Observations/Comments/Recommendation:

Per the previous evaluations reviewed for this report, Mr. Romero, if released, he plans to live with his brother in Los Angeles and work in his brother's landscaping business,

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which his brother has confirmed as an ongoing option. Because Mr. Romero is an illegal alien in the U.S., he may be deported to Mexico upon release. Mr. Romero's family owns arable land in Mexico where he plans to farm support himself. He maintains that he has significant family in Mexico. Mr. Romero claims that he has a letter now, verifying that the land exists, which the Parole Board previously requested of him. Mr. Romero is prosocial and without mental illness. He is flexible and seems to have the capacity to adapt relatively easily to changing situations. This bodes well for successful re-entry into free society were he paroled. He possesses the assets of sociability and has the capacity to emotionally and attach to others making him less of risk and more likely to quickly gain the support and positive regard of members of the community he may live in people enhancing his chances to continue the meaningful and productive life style he established while in prison. Mr. Romero impressed this examiner and distinguished himself from the more typical inmate due to the genuineness and candor that he projected throughout all the entire interview. He responded openly and completely to the questions and concerns presented him. He also demonstrated an unusual maturity wherein he seems to have already fully prepared himself and accepted that he may be denied parole again and more likely than not will spend the rest of his life in prison. He shows that he feels that the punishment he has been given is deserved because he took someone's life. Unlike the majority of lifers he showed no signs of self-pity, resentment or bitterness about being locked up indefinitely, even when he expressed that by having gone to prison the greatest loss of his life was losing his family and feeling powerless to provide them with anything more than a phone call, letter or short visits on an infrequent basis. He indicated that if he is to live the rest of his life in prison, he will simply continue his established life of advancing his knowledge and skills, being of service to others and continue to practice his faith. All of these things collectively appear to keep him positive and confident that no matter what happens he will continue to make a life for himself that is meaningful, productive, as happy as is possible and of help to others.

There are no psychiatric reasons to retain him. Mr. Romero poses minimal risk to the community on the condition that he continue his alcohol recovery activities. Mr. Romero is a man who will likely earn the respect and positive regard of others in any community he may live.

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